UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,290	04/04/2007	Young-Joo Son	CU-4843 WWP	5959

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EXAMINER
TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/580,290	SON ET AL.
	Examiner	Art Unit	
	NICHOLAS TAYLOR	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 June 2011*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on
_____ ; the restriction requirement and election have been incorporated into this action.
4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) *106-131* is/are pending in the application.
   5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6) ☐ Claim(s) _____ is/are allowed.
7) ☒ Claim(s) *106-131* is/are rejected.
8) ☐ Claim(s) _____ is/are objected to.
9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.
11) ☒ The drawing(s) filed on *24 May 2006* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some * c) ☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *2/9/11; 8/9/11*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 106-131 have been presented for examination and are rejected.

Response to Arguments

2.   Applicant's arguments filed June 13th, 2011, with respect to the claims have

been considered but are moot in view of the new grounds of rejection.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ

644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 106-131 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 59-90 of copending Application No. 10/580,483. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

Application No. 10/580,483	The Instant Application
59. An apparatus for requesting a report on an event for an Event Reporting on the event that occurs in accordance with use of a digital item, the apparatus comprising:	106. An apparatus for requesting a report on an event for an Event Reporting. on the event that occurs in accordance with use of a digital item, the apparatus comprising:
an ERR generation means for generating an Event Report Request(ERR) data in response to at least one of a user's request and a received ERR data, the user's request	an Event Report Request (ERR) generation means for generating an ERR data in response to at least one of a user's request and a received ERR data, the user's request and the received ERR

and the received ERR data requesting an Event Report(ER) data for the Event Reporting;	data requesting an Event Report (ER) data for the Event Reporting;
an ERR transmission means for transmitting the ERR data generated in the ERR generation means; an ERR receiving means for receiving the received ERR data; and an ERR analyzing means for analyzing the ERR data received in the ERR receiving means, wherein the ERR data includes: ERR descriptor information describing characteristics of the ERR data; ER descriptor information describing characteristics of ER data generated based on the ERR data; and Event condition descriptor information describing conditions of occurrence of the event, and wherein the ER data includes: ER descriptor information describing characteristics of the ER data; Original ERR information describing ERR data requesting to generate the ER data; and payload information including reporting information of the ER data.	an ERR transmission means for transmitting the ERR data generated in the ERR generation means; an ERR receiving means for receiving the ERR data; and an ERR analyzing means for analyzing the ERR data received in the ERR receiving means, wherein the ERR data includes: ERR descriptor information describing characteristics of the ERR data; first ER descriptor information describing characteristics of ER data generated based on the ERR data; and condition descriptor information describing conditions of occurrence of the event, wherein the ER data includes: second ER descriptor information describing characteristics of the ER data; Original ERR information describing ERR data requesting to generate the ER data; and payload information including reporting information of the ER data, wherein the ER data further includes ERR information describing information on another ERR data included in the ER data.

This is a provisional obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 106-131 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 106-131, the "apparatus" claims are not a process, machine, manufacture, or composition of matter. The claimed element's "apparatus," "data," "descriptor information," etc., are non-structural limitations, and in light of the specification these are disclosed as being software (e.g., see Spec pg. 8, lines 6-16 defined as an application program). Therefore, the claimed subject matter as a whole fails to fall within a patent-eligible category of subject matter.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   Claims 113 and 126 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims duplicate the limitations present in their respective parent claims.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a
> printed publication in this or a foreign country, before the invention thereof by the applicant for a
> patent.

10.   Claims 106-131 are rejected under 35 U.S.C. 102(a) as being anticipated by

"Requirements for Event Reporting" by the ISO WG11 Requirements Group (hereafter

referred to as "WG11", and further incorporating WG11's "Current Vision on Event

Reporting in MPEG 21," hereafter, "Vision," for clarity and background).

As per claims, 106 and 119, WG11 teaches an apparatus for processing a report on an

event for an Event Reporting on the event that occurs in accordance with use of a digital

item, the apparatus comprising:

        a monitoring means for monitoring whether or not the event occurs;

an ER generation means for generating an Event Report(ER) data for an event report

corresponding to an Event Report Request(ERR) data requesting the report on the

event; and (WG11, sections 2, 3.1, 4.1 and "Vision" section 3.1-3.3 where events are

monitored and event generation occurs)

        an ER transmission means for transmitting the ER data generated in the ER

generation means, (WG11, sections 2, 3.1, 4.1 where ER data is transmitted)

        wherein the ERR data includes: ERR descriptor information describing

characteristics of the ERR data; first ER descriptor information describing

characteristics of ER data generated based on the ERR data; and condition descriptor

information describing conditions of occurrence of an event, and (WG11, sections 2,

3.1, 4.1 and "Vision" section 3.1-3.3; see also Visions appendix B use case scenario;

see also, e.g., section 7 requirements 1.1, 1.5, 2.1, and 2.3)

wherein the ER data includes: ER descriptor information describing

characteristics of the ER data; Original ERR information describing ERR data

requesting to generate the ER data; and payload information including reporting

information of the ER data, wherein the ER data further includes ERR information

describing information on another ERR data included in the ER data (WG11, sections

4.0, 4.1, and 4.2, where the descriptor is further defined; see e.g., section 7

requirements 1.1, 1.5, 2.1, and 2.3).

As per claims 107 and 120, WG11 teaches the system further wherein the ERR

descriptor information includes life time information describing a life time of the ERR

data (WG11, see, e.g., section 7 requirements 2.9 and 2.20).

As per claims 108 and 121, WG11 teaches the system further wherein the ERR

descriptor information includes history information describing a history of creation or

modification of the ERR data (WG11, see, e.g., section 7 requirements 2.15 and 3.10).

As per claims 109 and 122, WG11 teaches the system further wherein the ERR

descriptor information includes priority level information describing priority level for

processing the ERR data (WG11, see section 7 requirement 2.13).

As per claims 110 and 123, WG11 teaches the system further wherein the first ER

descriptor information includes identification information of the ER data (WG11, see,

e.g., section 7 requirements 2.1, 2.2, 2.3, and 2.5, where identification information is

defined).

As per claims 111 and 124, WG11 teaches the system further wherein the first ER

descriptor information includes ER access control information describing information on

a peer or a user that can access to the ER data (WG11, section 7 requirements access

provisions 3.11 and 3.12).

As per claims 112 and 125, WG11 teaches the system further wherein the first ER

descriptor information includes ER format information describing information on a format

of the ER data (WG11, section 7 requirements 2.8, 2.9, 2.10, and 3.15).

As per claims 113 and 126, WG11 teaches the system further wherein the first ER

descriptor information includes embedded ERR information describing information on

another ERR data included in the ER data (WG11, see section 7 requirement 3.8

embedding).

As per claims 114 and 127, WG11 teaches the system further wherein the first ER

descriptor information includes at least one of identification information of a peer and

identification information of a user, the peer and the user generating the ER data

(WG11, see, e.g., section 7 requirements 2.15 and 3.10).

As per claims 115 and 128, WG11 teaches the system further wherein the first ER

descriptor information includes delivery parameter information describing information on

delivery of the ER data (WG11, section 7 requirements 2.8, 2.9, 2.10, and 3.15).

As per claims 116 and 129, WG11 teaches the system further wherein the Condition

descriptor information includes time condition information describing occurrence time of

the event (WG11, section 7 requirements 2.8, 2.9, 2.10, and 3.15).

As per claims 117 and 130, WG11 teaches the system further wherein the Condition

descriptor information includes condition information other than time condition

information describing occurrence time of the event (WG11, section 7 requirements 2.8,

2.9, 2.10, and 3.15).

As per claims 118 and 131, WG11 teaches the system further wherein the second ER

Descriptor information includes source information describing information on generation

of the ER data (WG11, section 7 requirements 2.8, 2.9, 2.10, and 3.15).

Conclusion

11.   Applicant's amendment necessitated any new grounds of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

3889. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/NT/
Nicholas Taylor
Examiner
Art Unit 2441

/Larry Donaghue/
Primary Examiner, Art Unit 2454